

By Senator Clary

7-18A-01

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; providing for the relief of
4 Billie Jo McIntire, Sarah McIntire, and
5 Christian McIntire for the wrongful death of
6 Jeffrey McIntire due to the negligence of the
7 department; providing an effective date.

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9 WHEREAS, on July 17, 1997, Jeffrey McIntire, a
10 Crestview police officer and husband and father, was driving
11 home on State Road 10 (Highway 90) in Okaloosa County,
12 Florida, and

13 WHEREAS, an employee of the Department of
14 Transportation, while operating a departmental vehicle and in
15 performance of his duties with the department, was traveling
16 on the same highway at Mosseyhead in Okaloosa County, and

17 WHEREAS, it was raining, and the dangerous roadway,
18 bald tires, and high speeds caused the departmental employee
19 to violently project his vehicle over the center line and into
20 the path of Jeffrey McIntire, and

21 WHEREAS, a severe crash ensued, and Mr. McIntire died
22 at the scene, and

23 WHEREAS, the Department of Transportation had a
24 responsibility at that time to maintain Highway 90 and to
25 safely maintain the vehicles that its employees operated on
26 public highways, and

27 WHEREAS, the employee who was operating the
28 departmental vehicle in the accident was himself responsible
29 for inspecting Highway 90 and other adjacent roadways to
30 determine whether safety hazards existed or repairs were
31 needed, and

1 WHEREAS, litigation was filed in Okaloosa County for
2 the wrongful death of Jeffrey McIntire, and claims were
3 asserted on behalf of his wife, Billie Jo McIntire, his
4 daughter Sarah, and his son Christian, whose birth was being
5 awaited at the time of his father's fatal accident, and

6 WHEREAS, before trial, the parties agreed to a
7 stipulated settlement of \$1.2 million, of which \$200,000 has
8 been paid and the \$1 million balance is to be pursued through
9 a claim bill that is affirmatively supported by the Department
10 of Transportation, NOW, THEREFORE,

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. The facts stated in the preamble to this
15 act are found and declared to be true.

16 Section 2. The sum of \$1 million is appropriated out
17 of funds in the State Treasury to the credit of the Department
18 of Transportation to compensate Billie Jo McIntire, Sarah
19 McIntire, and Christian McIntire for their losses.

20 Section 3. The Comptroller is directed to draw a
21 warrant in favor of Billie Jo McIntire, as personal
22 representative of the Estate of Jeffery McIntire, in the sum
23 of \$1 million upon funds in the State Treasury to the credit
24 of the Department of Transportation, which funds are for the
25 benefit of Billy Jo McIntire and her minor children Sarah and
26 Christian McIntire, and the Treasurer is directed to pay the
27 same out of such funds. After payment of fees, costs, and
28 authorized expenses, the proceeds under this act shall be
29 equally divided, three ways, among Billie Jo McIntire, Sarah
30 McIntire, and Christian McIntire.

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1 Section 4. This act shall take effect upon becoming a
2 law.

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5 SENATE SUMMARY

6 Appropriates funds of the Department of Transportation to
7 compensate Billie Jo McIntire and her minor children,
8 Sarah and Christian, for the wrongful death of Jeffrey
9 McIntire due to the negligence of the department.

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